

REMARKS

Applicant wishes to thank the Examiner for granting an interview on August 12, 2008. This amendment follows up on that interview.

In particular, the Examiner suggested that Applicant amend the claims to be more specific about the features of the "ePostal" software operating on the Sender and Recipient terminals and the ePostal server.

As noted at the interview, the present invention utilizes novel "ePostal" software at the Sender and Recipient terminals and at a central ePostal server that work together to augment the transmission and delivery of electronic mail on the Internet. The invention changes the way that the mail is processed and delivered over the Internet. This augmentation is compatible with conventional electronic mail application software that may reside and operate on a terminal, e.g. the email application software sold under the trade designation "Outlook®."

To better differentiate between the software and hardware of the present invention and that of conventional software, the claims have been amended throughout to refer to the software of the present invention operating on the Sender terminal as "Sender ePostal software." The exemplary Sender ePostal software 22 described herein is so identified in connection with the description of Figs. 2A and 2B, a flow chart of exemplary such software. Software according to the present invention operable on a Recipient terminal is similarly termed in the claims as amended herein as "Recipient ePostal software." It is so identified in connection with exemplary Recipient ePostal software shown in Figs. 4A-1 and 4A-2. The central server (or servers) that function as the ePost Office 20 are termed in the amended claims "ePostal server software." It operates on the "ePostal server."

In defining the invention as a method, claims 16-21 have been amended to more closely parallel the amended apparatus claims, particularly claims 1 and 2. The communication system is now specified as interacting Sender, Recipient and server ePostal software operating on the Sender and Recipient terminals and the ePostal

server. The foregoing amendments in claims 7 and 8 are also intended to emphasize that the Sender ePostal software and the ePostal server software of this invention authorize and account for payment when a user selects to use the claimed communication system. Claim 9 is also amended to make it clear that the invention accounts for the collection of additional credits for the selection of one or more optional premium services.

Independent claims 1 and 16 are also amended, as requested by the Examiner, to define this communications system, and particularly its Sender ePostal software, with greater specificity. This software provides the option ("selectively provides access" in claim 1), rather than sending an electronic mail using only conventional electronic mail (e.g., SMTP or POP email or HTTP web mail), of sending an electronic mail as an "eLetter," an electronic mail that has been processed to receive the claimed "premium services," over and above the conventional services of ordinary electronic mail. This selection option is implemented at the Sender terminal using the Sender ePostal software operable there. This feature of the Sender ePostal software is now expressly stated in claim 1, part (iii). Support for this amendment is found at least in Fig. 2A (see, e.g. step S3), and at page 8, lines 29-30 and page 9, lines 1-8.

Second, the pending claims all specify that the Sender ePostal software operating on the Sender terminal performs initial processing for ePostal augmentation of the Internet. This Sender processing, if selected, can include functions such as preparing data that will authenticate the identity of the Sender terminal, preparing data that will certify the identity of the Sender user, and recording data that indicates to the ePostal server and the ePostal server software and to the Recipient terminal and Recipient ePostal software what processing they must do, all which processing must be done before the electronic mail leaves the Sender terminal. This initial processing at the Sender is now defined in claim 1, part (iv). It is detailed in Figs. 2A and 2B and described at least at page 10, line 23 to page 11, line 26.

Note that the Sender-selection of premium services from among the available premium services is distinct from the selection to use the ePostal communications system now defined in claim 1 as part (iii) of the Sender ePostal software.

Third, the Sender ePostal software is now also expressly characterized as operable with conventional electronic mail application software that also operates at the Sender terminal (e.g. the aforementioned "Outlook®" software). This interfacing is now expressly defined in claim 1, part (ii). This feature is shown in Figs. 2A and 2B and described at least at page 8, lines 24-26, page 9, lines 22-27, and page 11, line 26.

The ePostal server software is described with reference to the exemplary software shown in Figs. 3A-3C. It is characterized in claims 1, 2, 16 and 17 as managing the ePostal augmentation from the Sender terminal to a Recipient terminal and as performing some processing of the electronic mail.

In summary, the foregoing amendments define the invention with enhanced specificity to distinguish more clearly over the art of record. In particular, independent claims 1 and 16 detail the Sender ePostal software (i) operating on the Sender terminal, (ii) operating with conventional electronic mail application software also on the Sender terminal, (iii) performing the selection of the Internet augmentation services of the present invention rather than the use of only conventional email, and (iv) beginning processing of the electronic email before transmission.

Applicant respectfully traverses the rejection of claims 1-21 under 35 USC 102(e) as anticipated by U.S. Patent No. 6,446,115 ("Powers").

As discussed in the last response and at the interview, Powers describes a system and method that formats message content supplied by a user into a completed mail object ("correspondence"). The Summary of Invention section (at Column 3 line 52) says:

The present invention provides a process for generating completed mail objects from email or text messages from a registered sender to be received by recipients in hard copy and comprising graphical correspondence content (e.g.,

business letterhead, personal letterhead, card graphics, photo postcard graphics, etc.) and graphical representation of a signature.

At Column 3 line 59 to Column 4 line 21 Powers gives the basics steps used by his system. A set of servers including a database (reference numbers 10-15 and 17 in Powers) receive a request from a registered sender to generate a completed mail correspondence object. The registered sender provides the text to the message, and the recipients' names or identifiers.

The Powers set of servers then locates the registered sender's information in a database which is included in the set of servers and which contains various pre-set correspondence generation preferences. The set of servers locates in its database the complete address information for the recipients and generates a completed correspondence for the recipient to receive by one or more delivery means selected by the registered sender's instructions or preferences for the recipients from the sender's information in the set of servers database. The transmission methods could be fax, email, email with link to an Internet address containing the message, or physical delivery of a printed hard copy. All of the Powers processing is done at the Powers set of servers.

In sharp contrast to Powers, the invention claimed herein does not create a customer's message, or format a message to suit a selected mode of communication. The present invention is directed to communications of electronic mail with a Sender-selected augmentation of the transmission and delivery process for an already created message. Powers does not teach the present invention's claimed communication system of Sender ePostal software at a Sender terminal, ePostal server and ePostal server software, and Recipient ePostal software at a Recipient terminal that can be selected to modify and improve the transmission and delivery process itself. Nor does Powers teach the present invention's claimed multiple premium services which are all improvements over the conventional email/web mail process by which an electronic message or document is transmitted and delivered.

As also noted at the interview, the Powers patent does not show any sender or recipient terminal in its figures. They do not form part of the Powers invention as described and claimed; there are only references to a "registered sender" or "sender." Indeed, in Powers any sender terminal does not itself send any mail to a recipient/addressee. The sending in Powers is accomplished by the set of servers with a database (10-15 and 17), and, for electronic mail, specifically by email server 11. There is no teaching or suggestion that any terminal used by a sender in Powers is anything other than a conventional terminal. Such a sender terminal may run conventional application software, but there is, again, no teaching or suggestion that the Powers sender terminal operates software as described and claimed in the present application operating to augment the electronic mail transmission and delivery process itself.

While the Examiner argued that Powers' software can be shared and run on multiple computers at multiple locations, the essence of Powers is to use a formatting website with the multiple servers including a database and their software in the manner of a website; the thrust of Powers is to allow any ordinary web browser user to have access to the formatting and delivery capabilities of the server/database array 10-15, and 17.

The absence of Sender ePostal software at any Powers sender terminal means that there is no selection at a sender terminal to transmit any given electronic mail by the ePostal system with its premium services, rather than by conventional electronic mail. Nor is there any teaching in Powers of interfacing at any Powers sender terminal between software that augments the Internet transmission and delivery process and conventional electronic mail application software. Nor is there a teaching in Powers of any processing at the Sender terminal regarding the transmission and delivery of electronic mail to provide premium services. These functions are expressly stated in the claims as amended. They are not taught or suggested in Powers.

Claims 1, 2, 16 and 17, and the claims dependent from them, now make it express that the ePostal server and its ePostal server software ("the ePost Office 20")

both manage the transmission and delivery of electronic mail with premium services provided and participate in the processing to provide those services. The ePostal server and its software augment the operation of the Internet. Powers uses email only conventionally. There is no augmentation of the conventional email transmission and delivery process itself.

Claims 2, 17, and the claims dependent from them. also specify that not only is there a Recipient terminal, but also it has Recipient ePostal software operating on it that works with the processing done by the Sender ePostal software and the ePostal server software to further the processing for the claimed augmenting premium services. The Recipient ePostal software detects if incoming electronic mail is conventional mail or an eLetter – electronic mail augmented by the provision of the premium services. In contrast, Powers has no teaching of any software operating on a Recipient terminal that processes incoming mail transmissions to enhance the transmission and delivery process itself. Powers teaches that its recipients can receive hard copy mail, or faxes, and therefore have no recipient terminal for electronic mail. For email transmissions, Power is silent as to any software operating on a Recipient terminal to give it any functionality as described and claimed herein.

At the interview, Applicant's attorney also briefly discussed the newly cited PCT reference to Postini Corp., WO 02/28127. As noted at the interview, Postini describes an email filter. Postini uses no software at any sender terminal as part of the filtering service. Although the Postini filter service is recipient-initiated and -controlled, Postini has no software which is part of its invention at the recipient terminal. The recipient uses only a conventional web browser to reach the Postini central server to store the recipient's preferences or profiles.


In summary, Powers does not teach the present invention; it teaches away, to a different solution of a different problem (message formatting consonant with the mode of delivery), a solution that may use email, but conventional email used in the conventional way, with no Sender ePostal software and no ePostal server and ePostal server software that operates as specified in the pending claims. Nor does Powers

solve the many problems noted above and in the specification, ones which are significant and solved by the present invention by providing the claimed premium services to augment the transmission and delivery of electronic mail.

In view of the above amendments and foregoing Remarks, Applicant urges that the pending claims define clear patentable differences over the art of record, and that this application is otherwise in condition for allowance

Dated: October 14, 2008

Respectfully submitted,

By 
Peter J. Manus

Registration No.: 26,766
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5530
Attorneys/Agents For Applicant

Customer No. 21874